

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

STEVEN PIERCE,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV 09-012-FHS
)	
JOE CRAIG, COUNTY TRUSTY,)	
AND SEMINOLE COUNTY,)	
)	
Defendants.)	

ORDER

Pursuant to Federal Rule of Civil Procedure 41 (b) this court dismisses the above action for the plaintiff's failure to prosecute. A brief review of the case history is as follows.

Plaintiff filed this lawsuit on January 8, 2009, while a prisoner of Seminole County Jail. He names as defendants Joe Craig, County Trusty and Seminole County. On January 8, 2009, this court entered an order stating:

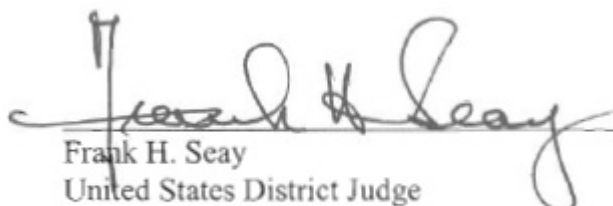
Upon review of the file, the Court finds that the plaintiff has not submitted a proper Civil Rights Complaint approved for the use by the Eastern District of Oklahoma. The plaintiff is directed to file an amended complaint within 20 days or by 1/28/09 and return the amended complaint to the office of the Court Clerk for processing. The amended complaint is to have ORIGINAL SIGNATURES, a signed Declaration of Perjury and the named defendants are to be the same in the caption as listed in the body of the complaint. The clerk is directed to provide the plaintiff with the Civil Rights Complaint forms and instruction sheet.

On January 8, 2009, the Clerk of the Court called the Seminole County Jail to inquire if plaintiff was still incarcerated there. They were informed he was no longer there

and did not know his whereabouts. It is not their practice to collect information from the inmate regarding their whereabouts after their release. Plaintiff has done nothing further with his case.

Pursuant to Federal Rule of Civil Procedure 41 (b) a court may dismiss this action for plaintiff's failure to prosecute. Plaintiff has failed to comply with a court order regarding a proper complaint. He never filed a proper complaint. He also failed to keep the court informed of his whereabouts. Pursuant to the docket sheet he has not served any of the defendants. It is clear to this court that plaintiff has failed to properly prosecute this case in a timely manner. Accordingly, this case is hereby dismissed without prejudice.

IT IS SO ORDERED this 17th day of February 2009.



Frank H. Seay
United States District Judge
Eastern District of Oklahoma